

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 3547 of 2006(V)

PETITIONER:

ASHRAF ALIAS TAHAKUNJU,
CITY SUPER BAZR, KARUNAGAPPALLY,
RESIDING AYT PALLIVELIL HOUSE, KALLELIBHAGOM POST,
KARUNAGAPPALLY.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM
2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD,
KOLLAM.
3. THE EXECUTIVE ENGINEER,
KARUNAGAPPALLY ELECTRICAL DIVISION,
KERALA STATE ELECTRICITY BOARD,
KARUNAGAPPALLY, KOLLAM.
4. THE ASSISTANT EXECUTIVE ENGINEER,
KARUNAGAPPALLY SOUTH SECTION, KERALA STATE
ELECTRICITY BOARD, KARUNAGAPPALLY.
5. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI. P.P. THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE OWNERSHIP CERTIFICATE DATED 2.12.2005 ISSUED BY THE KARUNAGAPPALLY GRAMA PANCHAYAT.

EXT.P2 TRUE COPY OF THE REPRESENTATION DATED NIL FILED BEFORE THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 8.11.2005 FILED BEFORE THE 2ND RESPONDENT.

EXT.P4 TRUE COPY OF THE REPRESENTATION DATED 8.11.2005 FILED BEFORE THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE COMMUNICATION DATED 30.8.2005 BY THE ELECTRICAL INSPECTOR, KOLLAM.

EXT.P6 TRUE COPY OF THE PLAN.

EXT.P7 TRUE COPY OF THE COUNTER AFFIDAVIT DATED 19.12.2005 IN WPC 34410 OF 2005

EXT.P8 TRUE COPY OF THE JUDGMENT DATED 5.1.2006 IN WPC 34410 OF 2005

EXT.P9 TRUE COPY OF THE ORDER DATED 28.1.2006 PASSED BY THE ASST. ENGINEER.

EXT.P10 TRUE COPY OF THE CONDITIONS WITH REGARD TO THE PROCEDURE TO BE ADOPTED IN GRANTING ELECTRIC CONNECTION.

EXT.P11 TRUE COPY OF THE INTERIM ORDER DATED 9.12.2005 IN WPC 34410 OF 2005

RESPONDENTS' EXHIBITS:

EXT.R5(a) TRUE COPY OF THE LETTER DATED 18.1.2006 ISSUED BY THE SECRETARY, KARUNAGAPPALLY GRAMA PANCHAYATH.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 3547 OF 2006

Dated this the 17th day of July, 2007

JUDGMENT

The prayer in the Writ Petition is for direction to the Electricity Board to give regular electric connection to the petitioner's shop room. While the contention of petitioner is that building is constructed with plan approved by Panchayat and is given a building number by the Panchayat, the case of the Electricity Board is that building number is temporary and the building is not a pucca structure. Counsel for the petitioner contended that petitioner wishes to start a business and if business thrives petitioner wants to construct a pucca building. The building is said to be made of tin sheet with walls and roof. Of course, giving connection to petitioner's structure may be dangerous proposition. However, connection cannot be declined because petitioner cannot afford to construct a concrete building. In the circumstances, the Ele. Board is directed to give permanent connection without any delay to the petitioner's building subject to precautionary conditions to be laid down by them to avoid any risk or danger to

customers, or public, and even to the petitioner, on petitioner complying with all formalities and after wiring the building in accordance with safety standards prescribed by the Ele. Board.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

